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March 11, 2014

PUBLIC VERSION

Via Electronic Mail
Gregory.Cooke@fcc.gov

Gregory Cooke
Federal Communications Commission
445 12th St. SW
Washington, D.C. 20536

Re: Vyve Broadband J, LLC (Present owner of cable systems formerly owned and operated by James Cable, LLC)
File No. 201204-296-010
Information Request dated February 11, 2014 ("Request")

Dear Mr. Cooke:

On behalf of Vyve Broadband J, LLC ("Vyve"), the current owner of certain of the systems formerly owned and operated by James Cable, LLC ("James Cable"), this letter is in response to the above-referenced Request seeking additional information regarding the petition filed by James Cable on June 28, 2012 seeking a waiver of Section 11.56 of the Federal Communications Commission's (the "Commission") rules (the "Petition").¹ Vyve acquired certain systems from James Cable on July 2. As detailed below, Vyve requires additional time to shut down the non-compliant systems. This Response is being sent via email pursuant to the Request.

We request confidential treatment for certain information in this Response.

Pursuant to 47 C.F.R. §0.459, Vyve requests that certain information provided in this Response be treated in a confidential manner and not be made available for public inspection. As the information in the Response is being sent via email, separate email documents are hereby provided and marked Confidential Material in accordance with 47 C.F.R. §0.459(a).

Vyve seeks confidential treatment of these materials as they consist of trade secret financial information and system information, which are confidential and not routinely available for public inspection consistent with 47 C.F.R. §0.457(d). This data is customarily guarded from competitors and Vyve would suffer substantial competitive

¹ Request for Temporary Waiver, EB Docket 04-296 (filed June 28, 2012) ("Petition").

harm if it were disclosed; financial data in the hands of competitors provides those competitors with opportunity for significant competitive advantage. Vyve treats this information as confidential internally and takes measures to maintain its confidentiality. The information is not available to the general public and has not previously been disclosed to third parties with the exception of those who need to know. Vyve seeks confidential treatment for these materials indefinitely. For these reasons, Vyve respectfully submits that it has made an adequate showing pursuant to 47 C.F.R. §0.459 (a) and (b) and, therefore, requests the Commission to grant its request to treat these materials as confidential trade secret financial data and withhold them from public inspection.

With respect to the Request, Vyve submits that because Vyve acquired the systems from James Cable on July 2, 2013 Questions 1 and 2 regarding the inability to obtain a broadband connection are not relevant given the current circumstances. Additionally, Vyve submits that Questions 1 through 4 regarding James Cable's claim of financial hardship are not applicable in view of the fact that Vyve is not claiming financial hardship as a basis for the requested limited waiver to fully comply with the CAP-EAS Requirements.

Our response to the remaining Question is set forth below using the same numbering as presented in the Request:

3. For each currently noncompliant facility, specify the steps that James Cable intends to take to ensure compliance, and when compliance is expected.

RESPONSE: Vyve expects to shut down three very small systems located in [REDACTED] no later than September 30, 2014.

The Petition is for a temporary waiver through September 30, 2014 of Vyve's compliance with the CAP-EAS Requirements for the three systems serving a total of [REDACTED] subscribers, which represents approximately [REDACTED]% of Vyve's subscriber base to allow for the shut-down of the systems.

Vyve is prepared to work cooperatively with the Bureau to use its best efforts to comply with Section 11.56 of the Commission's rules as quickly as possible.

Thank you for your consideration.

Sincerely,



Stephen Ross

Attorney for Vyve Broadband J, LLC

cc: Thomas J. Beers

Marie Censoplano, SVP and General Counsel, Vyve Broadband J, LLC
Jane E. Bremer, Esq.